Asia Watch
A COMMITTEE OF HUMAN RIGHTS WATCH

TL 48

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January 9, 1992 Vol 4, No.2

ASIA WATCH CALLS FOR INTERNATIONAL MONITORS AT TRIALS OF EAST TIMORESE

Over 60 East Timorese, many of them students, remain in detention in Jakarta and Dili, capital of East Timor in the aftermath of the November 12 massacre in Dili in which upwards of 75 demonstrators were killed when Indonesian troops opened fire. All are facing trial, some on criminal charges, some on charges of subversion. Asia Watch believes that most were in fact arrested for the non-violent expression of their support for East Timor's independence and should be released unconditionally; any who engaged in violence should be charged with an appropriate criminal offense and have all the rights guaranteed to detainees by domestic and international law. Asia Watch is concerned at reports that several students, including two of four East Timorese transferred from Bali to Jakarta in late December, were severely beaten or otherwise mistreated. For the first weeks of their detention, all the East Timorese were denied access to friends, family, and counsel; some still are being held incommunicado. One Indonesian lawyer, Ponco Atmono, has taken on 20 of the cases of those detained in Dili; he is believed to have been government-appointed.

Asia Watch believes that international observation of these trials, expected to start next month in Jakarta and Dili, is critically important as an indication of continuing concern with the aftermath of the November 12 massacre, with the situation in East Timor more generally, and with the administration of justice by Indonesian officials.

I. DETAINED IN DILI

Two groups of East Timorese are detained in Dili, 26 suspected of taking part in or organizing the November 12 demonstration and seven others, at least five of whom are believed to have been arrested for their role in an earlier incident on October 28 when a group of motorcyclists backed by the military sparked a clash with pro-independence youth living in the Motael Church in Dili. The Indonesian army stormed the church, killing one man, Sebastiao Gomes Rangel, whose death became the focus of the November 12 demonstration. A man with the cyclists was also killed.

Those arrested after November 12 including several senior local government officials, including Filomeno Gomes, 50, an official in the office of East Timor governor Mario Carrascalao, and Bonifacio Barrero (Pereira?), head of logistics for the governor's office. A nurse named Matias Gouveia Duarte, employed by the Indonesian Red Cross, is also in custody, accused of having hidden resistance leader Xanana Gusmao in Dili for 12 days prior

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to the November 12 demonstration.[1] Another nurse at the state hospital in Dili, Gregorio Saldanha, is accused of having been a leader of the demonstration and is one of the 14 charged with subversion. A partial list of other detainees appears at the end of this section.

The total of 33 detainees may rise as those wounded in the demonstration are released from the military hospital where all the injured were taken for treatment (despite the fact that the civilian hospital was closer to the site of the shootings). As of early January, the Dili detainees were being held in various police commands; it was expected that after their dossiers had been prepared for prosecution, they would be moved to one of Dili's two civilian prisons to await trial.

According to East Timor's police chief, Colonel Ishak Kodijat, told reporters on December 28 that 14 of the 33 would be charged with violations of Presidential Decree 11/1963, the so-called "Anti-Subversion Law." The charge carries a maximum penalty of death, although it is unlikely that the death penalty will be imposed. (Until this group was arrested, no East Timorese had been charged with subversion; the hundreds tried in the mid-1980s for support of the armed independence organization Fretilin were charged under the Indonesian Criminal Code with engaging in separatist activities, a lesser offense.)

The names known thus far of the Dili detainees are as follows:

1. Filomeno Gomes
2. Bonifacio Barrero (Pereira?)
3. Bonifacio Magno
4. Francisco Branco
5. Carlos Lemos
6. Juanico dos Santos
7. Jacinto Aleves
8. Filomeno Periera
9. Aleixo da Silva Gama
10. Mario Abel
11. Joao
12. Jose Francisco
13. Dobento de Jesus
14. Joaquim
15. Marcio
16. Simplicio
17. Akau
18. Lourenco
19. Matias Gouveia Duarte
20. Ano Pereira
21. Francisco Gregorio da Costa Saldanha

II. DETAINED IN JAKARTA

As of early January, 25 East Timorese students remained in police custody in the

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[1] Agence France Presse, Jakarta, December 23, 1991.

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Metropolitan Jakarta Police station (Polda). Of these, 21 had been there since November 19, when they took part in a demonstration to protest the killings in Dili one week earlier. The demonstration was broken up by security forces.[2] The 21 were joined in late December by four students from Bali, two of whom are believed to have been badly beaten.

The four East Timorese from Bali were arrested on November 24 from their rented house in Denpasar. Three, Fernando Araujo, Jose M. Pompeia, and Clemente Soares, are students at Udayana University in Denpasar. The fourth, Antonio Matos,is an economics student at the National Education University there. Two other Udayana students arrested with them were released after three days. Police claim to have found two grenades and flags of Fretilin and Falintil, the Fretilin guerrilla army, in their house; the students say they were planted.

The four were first brought to the Badung-Denpasar Police Resort (Polres). On December 20, Fernando Araujo was moved to Jakarta, followed by the other three on December 22. Lawyers from Indonesia's Legal Aid Institute, an independent human rights organization, were allowed to visit Antonio Matos and Clemente Soares earlier this week (week of January 6) but they were not permitted to see Fernando Araujo or Jose Pompeia, apparently because the two were still suffering from the results of severe beatings received earlier. It was not clear whether the beatings had taken place while the two were detained in Bali or after they were moved to Jakarta.

The 21 students accused of taking part in the November 19 demonstration were part of a larger group of 70 arrested when the demonstration was broken up. The Indonesian government initially denied that anyone had been detained. It was not until November 27, over a week later, that the government acknowledged the detentions, releasing 49 and keeping 21 others in custody. The 21 are expected to be charged under Article 154 and 155 of the Criminal Code, spreading feelings of hatred or enmity toward the government, which carries a maximum penalty of seven years.

One of the 49, a woman, issued a statement on December 29, describing the treatment of the group after the arrests. She said they were first taken to a smaller police station (police resort or polres) where for the first three nights, all 70 had to sleep on the floor. They were called one by one for interrogation sessions which could last as long as eight to ten hours. They were asked who had ordered them to come to Jakarta (most were students at universities elsewhere in Java), who funded them, why had they embarrassed the Indonesia, who had thought up the ideas for the petition the group submitted to Jakarta-based UN representatives and posters carried in the demonstration, and who was their leader in Jakarta.

They were then moved to the Metropolitan Jakarta Police command where men and women were separated. The statement said the women were ordered to strip naked and jump in place. Interrogations continued, and the woman said she was forced to sign a "confession." Among other questions she and others were asked was whether they knew

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[2] See Asia Watch, "East Timor: The November 12 Massacre and Its Aftermath", December 12, 1991, for an account of this demonstration.

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H.J.C. Princen, a well-known human rights activist, and Indra Tjahjono, leader of an environmental activist organization called SKEPHI. Both men were called in for questioning about their role in organizing the November 19 demonstration, but were allowed to return home when the interrogation was over.

In addition to the four students from Bali, the 21 students still detained at the Metropolitan Jakarta Police Station are as follows:

STUDENT	UNIVERSITY
1. Joao Freitas Camara	unknown
2. Benevides C. Barrol	Satya Wacana, Salatiga
3. Domingos Barreto	Atmajaya, Jakarta
4. Metodio Muniz	Diponegoro, Semarang
5. Francisco Vasco Ramos	Atmajaya, Jakarta
6. Joselius De Oliveira	API, Yogyakarta
7. Sergio Dias Q	Atmajaya, Jakarta
8. Judio da Costa	IKIP Santa Dharma,Yogyakarta
9. Antonio Lopez	IPI, Malang
10. Virgilio	Nat'l Inst. of Technology, Malang
11. Antonio Soares	Malang
12. Felipe da Silva	Ikopin, Bandung
13. Joao Sarmento	Polytechnic, ITB, Bandung
14. Fausto Berhading	IKOPIN, Bandung
15. Joao Travolta	Udayana, Den Pasar
16. Agapito C.	Udayana, Den Pasar
17. Gregorio de Araujo	LPPU, ITB, Bandung
18. Jose Maria Belo	Polytechnic, ITB, Bandung
19. Avelino Maria	Satya Gama, Jakarta
20. Mario Canecas	Surabaya
21. Egas Q. Monteiro	Surabaya

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For More Information
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Asia Watch was founded in 1985 to monitor and promote internationally recognized human rights in Asia. The Chair is Jack Greenberg and the Vice Chairs are Harriet Rabb and Orville Schell. The Executive Director is Sidney Jones and the Washington Director is Mike Jendrzejczyk.

Asia Watch is part of Human Rights Watch, which also includes Africa Watch, Americas Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director and Kenneth Roth is Deputy Director. Holly Burkhalter is Washington Director.